IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 727 OF 2006
IN
ARBITRATION PETITION NO. 312 OF 2006

Indusind Bank Ltd. .. Appellant.

V/s.

Mr. Bhupendra Dharam Singh Arneja .. Respondent.

Mr.Shakuntala Joshi for the Appellant.

CORAM : R.M.LODHA & S.A.BOBDE,JJ.

DATED : 17TH OCTOBER, 2006.

P.C.:

. We heard the counsel for the Appellant.

2. Legal position is no more res integra that before passing the order under section 9 of the Arbitration and Conciliation Act, 1996, the court must be satisfied not only about the existence of the arbitration agreement but also about the applicant's intention to take the matter to arbitration. Save and except the bald statement made in paragraph 9 of the Arbitration Petition that the petitioner has invoked the arbitration, nothing has been shown about how the arbitration has been invoked and if any notice of arbitration has been given, details thereof. In view

thereof, the observations made by the learned single Judge in paragraph 1 that the petitioner has also not stated as to what steps the petitioner has taken for having the arbitral tribunal constituted, cannot be faulted.

3. The dismissal of the arbitration petition does not suffer from any legal infirmity, warranting interference in Appeal.

4. Appeal is dismissed in limine.

(R.M.LODHA,J.)

(S.A.BOBDE,J.)

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